

FORM PTO-1390
(REV. 10-2003)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

21045P

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/505268INTERNATIONAL APPLICATION NO.
PCT/US03/07262INTERNATIONAL FILING DATE
2/25/2003PRIORITY DATE CLAIMED
3/01/2002

TITLE OF INVENTION

AMINOALKYLPHOSPHONATES AND RELATED COMPOUNDS AS EDG RECEPTOR AGONISTS

APPLICANT(S) FOR DO/EO/US

George A. Doherty and Jeffrey J. Hale

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (19) indicated below.
4. ☒ The US has been elected (PCT Article 31).
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☒ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 to 18 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A power of attorney-and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Article 17 and 35 U.S.C. 1.821 - 1.825.
18. ☐ Other items or information:

EXPRESS MAIL CERTIFICATE
 DATE OF DEPOSIT 20 August 2004
 EXPRESS MAIL NO. 52989591561
 I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
 BEING DEPOSITED WITH THE UNITED STATES POSTAL
 SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE"
 ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO
 COMMISSIONER FOR PATENTS, P.O. BOX 1450,
 ALEXANDRIA, VIRGINIA 22313-1450.

MAILED BY Zou Schepers
 DATE 8-20-04

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <div style="font-size: 24pt; font-weight: bold;">10/505268</div>		INTERNATIONAL APPLICATION NO. PCT/US03/07262		ATTORNEY'S DOCKET NUMBER 21045P	
---	--	---	--	------------------------------------	--

19. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]: Neither international preliminary examination fee (37 CFR 1.482) nor international search fee [37 CFR 1.445(a)(2)] paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee [37 CFR 1.445(a)(2)] paid to USPTO \$770.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS		PTO USE ONLY	
				\$730.00			
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 CFR 1.492(e)].							
Claims	Number Filed	Number Extra	Rate				
Total Claims	20 - 20 =	0	X \$18.00	\$0.00			
Independent Claims	2 - 3 =	0	X \$86.00	\$0.00			
Multiple dependent claim(s) (if applicable)			+ \$290.00	\$0.00			
TOTAL OF ABOVE CALCULATIONS =				\$730.00			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.							
SUBTOTAL =				\$730.00			
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+			
TOTAL NATIONAL FEE =				\$730.00			
Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				+			
TOTAL FEES ENCLOSED =				\$730.00			
				Amount to be refunded			
				charged			

a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 13-2755 in the amount of \$730.00 to cover the above fees. A duplicate copy of this sheet is enclosed.


c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 000210

MERCK & CO., INC.
 Patent Department, RY60-30
 P.O. Box 2000
 126 East Lincoln Avenue
 Rahway, New Jersey 07065-0970


 SIGNATURE

Raynard Yuro
 NAME

45,570
 REGISTRATION NUMBER

DATE: August 20, 2004

PHONE #: (732) 594-0182